

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert P. Sellati Jr.
Robin S. Sellati
Debtor(s)

Bankruptcy Case No.: 18-22227-GLT
Issued Per 12/6/2018 Proceeding
Chapter: 13
Docket No.: 62 - 37
Concil. Conf.: December 6, 2018 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 3, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,440.00 as of December, 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Dec. 6, 2018 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

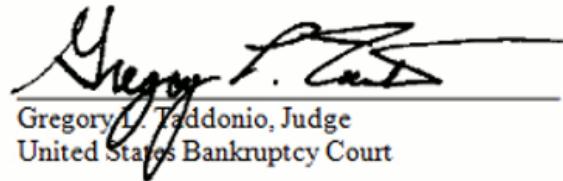
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Dated: December 10, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
 Robert P. Sellati, Jr.
 Robin S. Sellati
 Debtors

Case No. 18-22227-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 53

Date Rcvd: Dec 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 12, 2018.

db/jdb +Robert P. Sellati, Jr., Robin S. Sellati, 3121 Bethel Church Rd, Bethel Park, PA 15102-1203
 cr +IBM Southeast EFCU, c/o McCalla Raymer Leibert Pierce, LLC, Bankruptcy Department, 1544 Old Alabama Road, Roswell, GA 30076-2102
 cr +Municipality of Bethel Park, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 14857171 +Allied Interstate, PO Box 361445, Columbus, OH 43236-1445
 14857173 +American Express, PO Box 1270, Newark, NJ 07101-1270
 14857174 +American Express, Correspondence, Po Box 981540, El Paso, TX 79998-1540
 14857175 +American Express Hilton Card, PO Box 1270, Newark, NJ 07101-1270
 14885711 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14893877 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14857177 +Chase Card Services, Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 14857178 +Citibank, N.A., PO Box 6077, Sioux Falls, SD 57117-6077
 14857179 +Citibank, N.A., P.O. Box 6286, Sioux Falls, SD 57117-6286
 14857180 +Citibank/The Home Depot, Citicorp Cr Svrs/Centralized Bankruptcy, PO Box 790040, St Louis, MO 63179-0040
 14857181 +Citizen's Bank, PO Box 18204, Bridgeport, CT 06601-3204
 14857182 +Citizens Bank, 1 Citizens Dr, Riverside, RI 02915-3000
 14857183 +Client Services, Inc., 3451 Harry S. Truman Blvd, Saint Charles, MO 63301-9816
 14857184 +Department Store National Bank/Macy's, Attn: Bankruptcy, PO Box 8053, Mason, OH 45040-8053
 14880842 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
 14857186 +Gary E. Cartwright, D.M.D., 2000 Waterdam Plaza Dr., Suite 160, Canonsburg, PA 15317-5411
 14857188 +Huntington National Bank, 5555 Cleveland Avenue, GW2W21, Columbus, OH 43231-4048
 14857196 +Midland Funding LLC, PO Box 2001, Warren, MI 48090-2001
 14882190 +Municipality of Bethel Park, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14857200 Sears Credit Cards, PO Box 6282, Sioux Falls, SD 57117-6282
 14857203 Target, Target Card Services, Mail Stop NCB-0461, Minneapolis, MN 55440
 14857204 +The Home Depot, PO Box 790393, Saint Louis, MO 63179-0393
 14857205 +United Collection Bureau, Inc., 5620 Southwyck Blvd Ste 206, Toledo, OH 43614-1501
 14871110 Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700
 14857206 +Wells Fargo Home Mortgage, PO Box 14411, Des Moines, IA 50306-3411

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14858962 +E-mail/Text: ally@ebn.phinsolutions.com Dec 11 2018 02:50:09 Ally Bank, PO Box 130424, Roseville MN 55113-0004
 14857172 +E-mail/Text: ally@ebn.phinsolutions.com Dec 11 2018 02:50:09 Ally Financial, P.O. Box 380901, Minneapolis, MN 55438-0901
 14857176 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 11 2018 02:52:17 Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 14889368 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 11 2018 02:52:17 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14857185 +E-mail/Text: egssupportservices@alorica.com Dec 11 2018 02:51:05 EGS Financial Care, Inc., PO Box 1020 Dept 806, Horsham, PA 19044-8020
 14857187 +E-mail/Text: bankruptcy@affglo.com Dec 11 2018 02:50:55 Global Credit and Collection Corp, PO Box 129, Linden, MI 48451-0129
 14857189 +E-mail/Text: bankruptcy@huntington.com Dec 11 2018 02:50:50 Huntington National Bank-EA1W18, PO Box 182387, Columbus, OH 43218-2387
 14857191 +E-mail/Text: collections@ibmsecu.org Dec 11 2018 02:50:21 IBMSECU, Attn: Bankruptcy Dept, PO Box 5090, Boca Raton, FL 33431-0890
 14857190 +E-mail/Text: collections@ibmsecu.org Dec 11 2018 02:50:21 Ibm Southeast Emp Cu, P.o. Box 5090, Boca Raton, FL 33431-0890
 14857192 E-mail/Text: cio.bnccmail@irs.gov Dec 11 2018 02:50:15 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14857193 +E-mail/Text: bnckohlsnotices@becket-lee.com Dec 11 2018 02:50:13 Kohls/Capital One, Kohls Credit, Po Box 3120, Milwaukee, WI 53201-3120
 14893645 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 11 2018 02:52:23 LVNV Funding, LLC its successors and assigns as, assignee of Sears National Bank, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14857195 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 11 2018 02:50:52 Midland Credit Management, Inc., PO Box 13105, Roanoke, VA 24031-3105
 14857194 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 11 2018 02:50:52 Midland Credit Management, Inc., 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 14885987 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 11 2018 02:50:52 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14892842 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 11 2018 02:52:05 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 53

Date Rcvd: Dec 10, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

14857198 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 11 2018 02:52:19
Portfolio Recovery Associates, LLC, Po Box 41067, Norfolk, VA 23541
14858038 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 11 2018 02:52:19
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14857197 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 11 2018 02:50:40
Pennsylvania Department of Revenue, Bankruptcy/Collection Unit,
10th Floor Strawberry Square, 4th & Walnut Streets, Harrisburg, PA 17128-0001
14857170 +E-mail/PDF: gecscedi@recoverycorp.com Dec 11 2018 02:52:32 R' US Credit Card/Syncb,
PO Box 530939, Atlanta, GA 30353-0939
14857201 E-mail/Text: appebnmailbox@sprint.com Dec 11 2018 02:50:49 Sprint Spectrum,
6200 Spring Parkway, Overland Park, KS 66251
14857199 +E-mail/PDF: gecscedi@recoverycorp.com Dec 11 2018 02:52:01 Sam's Club/Synchrony Bank,
PO Box 530942, Atlanta, GA 30353-0942
14857202 E-mail/PDF: gecscedi@recoverycorp.com Dec 11 2018 02:52:32 Synchrony Bank,
Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
14888046 +E-mail/Text: bncmail@-legal.com Dec 11 2018 02:51:05 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14859206 +E-mail/Text: bankruptcy@huntington.com Dec 11 2018 02:50:51 The Huntington National Bank,
PO Box 89424, Cleveland, OH 44101-6424

TOTAL: 25

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr IBM Southeast Employees Federal Credit Union
cr WELLS FARGO BANK, N.A.
cr* +Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 12, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 10, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor IBM Southeast Employees Federal Credit Union
bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Municipality of Bethel Park jhunt@grblaw.com,
cnoroski@grblaw.com
Jerome B. Blank on behalf of Creditor WELLS FARGO BANK, N.A. pawb@fedphe.com
Mark G. Moynihan on behalf of Debtor Robert P. Sellati, Jr. mark@moynihanlaw.net,
moynihan.mark@gmail.com;moynihanmr71581@notify.bestcase.com
Mark G. Moynihan on behalf of Joint Debtor Robin S. Sellati mark@moynihanlaw.net,
moynihan.mark@gmail.com;moynihanmr71581@notify.bestcase.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter E. Meltzer on behalf of Creditor Midland Funding LLC bankruptcy@wqlaw.com,
mrivera@wqlaw.com
Ronda J. Winneccour cmeccf@chapter13trusteevdpa.com

TOTAL: 8